

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, MARCH 3, 2015

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Davis, absent and formally excused by the Chair; and Senators Brackett, Den Hartog, Nonini, Nuxoll, Patrick, Rice, Siddoway, and Vick, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Acting Chaplain Rajan Zed, President, Universal Society of Hinduism, Reno, Nevada.

The Pledge of Allegiance was led by Savannah Martin, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Den Hartog, Nonini, Nuxoll, Patrick, Rice, Siddoway, and Vick were recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 3, 2015

The JUDICIARY AND RULES Committee reports that [SCR 115](#), [S 1114](#), and [S 1115](#) have been correctly printed.

LODGE, Chairman

[SCR 115](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1114](#) and [S 1115](#) were referred to the Finance Committee.

March 2, 2015

The JUDICIARY AND RULES Committee reports that Enrolled [S 1028](#) was delivered to the Office of the Governor at 10:42 a.m., March 2, 2015.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2015

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Janet Gallimore to the State Historic Preservation Officer, term to expire January 7, 2019.

Kristine Sasser to the Public Utilities Commission, term to expire January 13, 2021.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2015

The FINANCE Committee reports out [S 1110](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1110](#) was filed for second reading.

March 2, 2015

The RESOURCES AND ENVIRONMENT Committee reports out [H 48](#) and [H 49](#) with the recommendation that they do pass.

BAIR, Chairman

[H 48](#) and [H 49](#) were filed for second reading.

March 2, 2015

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial reappointment listed below and the Committee recommends that said reappointment be confirmed by the Senate:

Jim V. Giuffre to the State Board of Health and Welfare, term to expire January 7, 2019.

HEIDER, Chairman

The Gubernatorial reappointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2015

The EDUCATION Committee reports out [S 1072](#) with the recommendation that it do pass.

MORTIMER, Chairman

[S 1072](#) was filed for second reading.

March 2, 2015

The JUDICIARY AND RULES Committee reports out [H 82](#) and [S 1095](#) with the recommendation that they do pass.

LODGE, Chairman

[H 82](#) and [S 1095](#) were filed for second reading.

March 2, 2015

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Sara Thomas to the State Public Defense Commission, term to expire July 1, 2017.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Brackett was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 2, 2015

Dear Mr. President:

I transmit herewith [H 154](#), [H 160](#), [H 163](#), [H 116](#), [H 117](#), [H 58](#), [H 67](#), [H 172](#), and [H 126](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 154](#), [H 160](#), [H 163](#), [H 116](#), [H 117](#), [H 58](#), [H 67](#), [H 172](#), and [H 126](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial appointment of Dr. David Hill was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ward-Engelking, seconded by Senator Den Hartog, the Gubernatorial appointment of Dr. David Hill as a member of the State Board of Education was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that [HCR 3](#) was before the Senate for final consideration.

Moved by Senator Thayne, seconded by Senator Keough, that [HCR 3](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayne, Tippetts, Vick, Ward-Engelking, Winder. Total - 32.

NAYS—None.

Absent and excused—Cameron, Davis. Total - 2.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared [HCR 3](#) adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [SCR 113](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Rice, seconded by Senator Bayer, [SCR 113](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that [SCR 114](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Rice, seconded by Senator Bayer, [SCR 114](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1116 BY FINANCE COMMITTEE AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2015; AND DECLARING AN EMERGENCY.

S 1117 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

S 1118 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1119 BY FINANCE COMMITTEE AN ACT

RELATING TO COMMISSIONER SALARIES; AMENDING SECTION 61-215, IDAHO CODE, TO INCREASE THE SALARIES OF THE PUBLIC UTILITIES COMMISSIONERS; AMENDING SECTION 63-102, IDAHO CODE, TO INCREASE THE SALARIES OF THE STATE TAX COMMISSIONERS; AMENDING SECTION 72-503, IDAHO CODE, TO INCREASE THE SALARIES OF THE INDUSTRIAL COMMISSIONERS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2016; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2016; AND APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2016.

S 1120**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO DRIVER'S TRAINING; AMENDING SECTION 49-307, IDAHO CODE, TO PROVIDE THAT PART OF A DRIVER'S TRAINING COURSE FEE BE DEPOSITED IN THE OCCUPATIONAL LICENSES FUND OR THE DRIVER TRAINING ACCOUNT DEPENDING UPON THE SELECTED DRIVER'S TRAINING PROGRAM, TO PROVIDE A METHOD FOR CALCULATING THE FEES THAT SHALL BE DEPOSITED IN THE OCCUPATIONAL LICENSES FUND AND TO MAKE TECHNICAL CORRECTIONS.

S 1121**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO THE IMMUNIZATION REGISTRY; AMENDING SECTION 39-4803, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION MAY BE SHARED WITH THE IDAHO HEALTH DATA EXCHANGE, TO REVISE LANGUAGE RELATING TO REMOVAL OF INFORMATION, TO PROVIDE THAT INFORMATION MAY ONLY BE DISCLOSED IN ACCORDANCE WITH CERTAIN LAWS AND TO MAKE A TECHNICAL CORRECTION.

S 1116, S 1117, S 1118, S 1119, S 1120, and S 1121 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 154 and H 67, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 160 and H 163, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 116 and H 117, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 58, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 172, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 126, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1030 and S 1104, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1097 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nonini arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared S 1097 passed, title was approved, and the bill ordered transmitted to the House.

S 1066 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Cameron, Davis, Den Hartog, Hagedorn, Heider, Hill, Keough, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Souza, Tippetts, Vick, Winder. Total - 23.

NAYS—Buckner-Webb, Burgoyne, Guthrie, Johnson, Lacey, Lee, Schmidt, Siddoway, Stennett, Thayn, Ward-Engelking. Total - 11.

Paired and voting included in roll call:

AYE - Davis

NAY - Buckner-Webb

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared S 1066 passed, title was approved, and the bill ordered transmitted to the House.

S 1100 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little assumed the Chair.

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared S 1100 passed, title was approved, and the bill ordered transmitted to the House.

S 1004 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1004](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1054](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burgoyne arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1054](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1088](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1088](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1001](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Patrick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Patrick, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 30.

NAYS—Nonini, Nuxoll, Souza. Total - 3.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1001](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1046](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1046](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1047](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared [S 1047](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1063](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 32.

NAYS–Johnson. Total - 1.

Absent and excused–Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1063** passed, title was approved, and the bill ordered transmitted to the House.

S 1078 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Patrick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1078** passed, title was approved, and the bill ordered transmitted to the House.

H 55 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **H 55** passed, title was approved, and the bill ordered returned to the House.

H 43 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bayer, Brackett, Burgoyne, Cameron, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Patrick, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippetts, Ward-Engelking, Winder. Total - 28.

NAYS–Den Hartog, Nuxoll, Souza, Vick. Total - 4.

Absent and excused–Buckner-Webb, Davis. Total - 2.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **H 43** passed, title was approved, and the bill ordered returned to the House.

H 96 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **H 96** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Wednesday, March 4, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary